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FILED

JUL 06 2009 *Scw*

**TAWANA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In Re:

SUPERIOR AIR PARTS, INC.

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Case No. 08-36705-BJH-11

Chapter 11

Debtor.

**MOTION OF BORING MACHINE CORPORATION FOR ALLOWANCE AND
PAYMENT OF ADMINISTRATIVE EXPENSE CLAIM UNDER 11 U.S.C. § 503(b)(9)**

NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT THE EARLE CABELL BUILDING, 110 COMMERCE STREET, ROOM 1254, DALLAS, TEXAS 75242 BEFORE CLOSE OF BUSINESS JULY 22, 2009 WHICH IS TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE IN WRITING AND FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED, A HEARING WILL BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

NOW COMES Boring Machine Corporation (“Movant”), and files this its Motion for Allowance and Payment of Administrative Expense Claim Under 11 U.S.C. § 502(b)(9), and for cause would respectfully show the Court as follows:

1. On December 31, 2008 (the “Commencement Date”), Superior Air Parts, Inc. (the “Debtor”), filed a voluntary petition for relief under chapter 11 of Title 11 of the United States Code (the “Code”).

2. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334.

3. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

4. Venue of the Debtor’s case and this Motion are proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

5. On December 23, 2008, within 20 days before the Commencement Date, Movant supplied goods to the Debtor in the ordinary course of business which were received by the Debtor, and for which Movant has not been paid. The value of the goods delivered to Debtor is \$8,083.11 as of the Commencement Date (the “Administrative Expense Claim”). The invoice attached hereto as Exhibit A summarizes the goods provided by Movant, the invoice number underlying the Administrative Expense Claim, and the invoice amount. The bill of lading demonstrating delivery is attached as Exhibit B.

6. Section 503(b)(9) of the Code provides in pertinent part:

After notice and a hearing, there shall be allowed administrative expenses, other than claims allowed under Section 502(f) of this title, including...

(9) the value of good received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor’s business.

A seller of goods need not make a written demand on the debtor in order to assert its rights under Section 503(b)(9). 11 U.S.C § 546(c).

7. In this case, the goods were shipped on December 23, 2008 and received by the Debtor, which is within 20 days of the Commencement Date. The goods were sold to the Debtor in the ordinary course of the Debtor's business.

8. Movant is therefore entitled to an allowed administrative expense against the Chapter 11 bankruptcy estate of Debtor in the amount of \$8,083.11.

9. Attached hereto as Exhibit C is the proposed order (the "Order") granting the relief requested herein.

PRAYER FOR RELIEF

Movant respectfully requests that this Court enter the Order and grant such other and further relief as the Court deems appropriate under the circumstances.

Respectfully Submitted,

Meagher & Geer, PLLP

By: 

B. Shane Barnes

MN Fed. Bar No. 350989

33 South Sixth Street, Suite 4400

Minneapolis, MN 55402

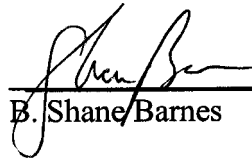
Telephone: (612) 338-0661

Facsimile: (612) 338-8384

Attorneys for Boring Machine Corporation

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing motion was served either electronically or by first class mail upon those parties requesting service of notice and the parties listed on the attached Creditor Matrix, on the 2nd day of July, 2009.


B. Shane Barnes



BORING
MACHINE
CORPORATION

Boring Machine Corporation
7922 Ranchers Road N.E.
Fridley, MN 55432
USA

Ph: (763)786-0100
Fax: (763)786-5104

Invoice

Number: 159901

Date: 23-Dec-08

To

Superior Air Parts, Inc.
621 South Royal Lane, Suite 100
Coppell, TX 75019-3805
USA

Ship To

Superior Air Parts, Inc.
621 South Royal Lane, Suite 100
Coppell, TX 75019-3805
USA

Ph: 972 829-4600

Fax: 866 743-3562

Ph: 972 829-4600

Fax: 866 743-3562

| Terms | | Due Date | Ship Via | Salesperson |
|----------|---|-----------------------|------------|-------------|
| Net 30 | | 22-Jan-09 | Yellow | |
| Quantity | Description | Unit Price | Amount | |
| | Please reference the invoice number when inquiring about this invoice. | | | |
| 61 ea | Stud Assy 360 Packing List: 19680 Part: SL36000W-A1 PO: 105717 We appreciate your business. Visit us at www.bormac.com | \$132.51 | \$8,083.11 | |
| | | Shipped On: 23-Dec-08 | | |
| | | Rev: H | | |
| | | Job: 7176 | | |
| | | Invoice Total: | \$8,083.11 | |
| | | Amount Paid: | \$0.00 | |
| | | Amount Due: | \$8,083.11 | |

EXHIBIT

tabbier

A

Bill of Lading

Affix pro label here

BOL Number: 19680

Date: 23-Dec-06

Page 1 of 1

Carrier: Yellow



| |
|---|
| Ship From Boring Machine Corporation 7922 Ranchers Road N.E. Fridley, MN 55432 USA |
|---|

| |
|---|
| Consignee Superior Air Parts, Inc. 621 South Royal Lane, Suite 100 Coppell, TX 76019-3805 USA Phone: 972 829-4600 |
|---|

| |
|--|
| Bill To Superior Air Parts, Inc. 621 South Royal Lane, Suite 100 Coppell, TX 76019-3805 USA |
|--|

| |
|---|
| Terms Prepaid: <input type="checkbox"/> Collect: <input checked="" type="checkbox"/> 3rd Party: <input type="checkbox"/> Consignee's PO#: 105717 |
|---|

ALWAYS LIST HAZARDOUS MATERIAL FIRST IN DESCRIPTION OF ARTICLES COLUMN

| No. of Holding Units | No. of Packages | * HM | (KIND OF PACKAGE) Description of Articles, Special Marks and Exceptions (Subject to Correction) | Class (Subject to Correction) NMFC# | Weight (Subject to Correction) |
|---|-----------------|------|---|---|-----------------------------------|
| 2 | 11 | | SL36000W-A1 Stud Assy 360 PO-Line: 105717 | | 1,500.00 |
| <div style="text-align: center;">  SHIPPER'S COPY 809 STP 019 102145 1  www.myyellow.com 1-800-610-8500 <small>This document is bound by the terms and conditions of the Uniform Freight Bill of Lading included in the NMFC 100 series.</small> </div> <div style="position: absolute; right: 0; bottom: 0; text-align: right;"> <i>Signature</i> 2/15/07 </div> | | | | | |

Note: (1) Where the rate is dependent on value, shipper is required to state specifically in writing the agreed or declared value of the property in dollars. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding

This is to certify that the above-named materials are properly described, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

FOR FREIGHT COLLECTION SHIPMENTS: If this shipment is to be delivered to the consignee, without recourse on the consignee, the shipper shall sign the following statement: The carrier may decline to make delivery of this shipment without payment of freight and all other local charges.

Note: (2) Liability limitation for loss or damage on this shipment may be applicable. See U.S. Section 10708 (H) and (g)

Note: (3) Commodities requiring special or additional care or attention in handling or storage must be so marked and packaged as to ensure safe transportation with ordinary care. See U.S. Section 10708 (H) and (g)

SHIPPER SIGNATURE _____ DATE _____ PICKUP TIME _____


(MUST BE SIGNED BY REPRESENTATIVE OF SHIPPER.)

DRIVER SIGNATURE _____ DATE _____ No. OF HANDLING UNITS _____

EXHIBIT

tabbies

B

| YELLOW TRANSPORTATION (YFSY) <small>Changing Possibilities. The Way We Do.</small> | | DO NOT WRITE OR STAMP ON BAR CODE | 12/23/08 23:29 365 | AUTOCODE 664 C 03 DO NOT NOTIFY DELIVER DAILY | | | | | | | | | |
|---|---|---|--|---|---|--------|--------|-------|--------|---|----|----|----|
| FREIGHT BILL NUMBER 019-102145 BILL DATE: 12/23/08 DEST/ORG: DAL/STP | | ORIGINAL DELIVERY RECEIPT <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> |  | | 1/B TRLR# 0124610 | | | | | | | | |
| SUPERIOR AIR PARTS 621 S ROYAL LN STE 100 DOPPEL TX 75019 *** CONSIGNEE PH# ***972-829-4600 | | QUESTIONS? CONTACT CUSTOMER SERVICE 24 HOURS A DAY AT: 1-800-610-6500 YOU MAY REQUEST PICKUPS, TRACE SHIPMENTS OR LEARN MORE ABOUT OUR OTHER SERVICES AT: www.myyellow.com | | CHKR PCS DATE | DOCK LOO | | | | | | | | |
| BOORING MACHINE CORP 7922 RANCHERS RD NE FRIDLEY MN 55432 *** SHIPPERS PH# ***612-786-0100 P.O. # 105717 SHIPPER # 10480 | | SPECIAL INSTRUCTIONS SEE CANNED MESSAGES AT BOTTOM | | LDR PCS DATE | DELIVERED <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> | | | | | | | | |
| PIECES 17 PRG 1 | | DESCRIPTION | | CLASS | WEIGHT LBS. | | | | | | | | |
| 2 PLTS STC 11 PC STUD ASSY 360 DISCOUNT FUEL SURCHARGE | | | | | 1500 10071 1510.65 770.0 1057.46CR 715.1 68.43 | | | | | | | | |
| *** DIMENSION INFO *** <table border="1" style="margin: 0 auto;"> <tr> <th>PIECES</th> <th>LENGTH</th> <th>WIDTH</th> <th>HEIGHT</th> </tr> <tr> <td>2</td> <td>48</td> <td>42</td> <td>52</td> </tr> </table> DIMENSIONAL FACTOR: NOT RATED CHARGEABLE (GAD) WEIGHT: NOT RATED | | | | | | PIECES | LENGTH | WIDTH | HEIGHT | 2 | 48 | 42 | 52 |
| PIECES | LENGTH | WIDTH | HEIGHT | | | | | | | | | | |
| 2 | 48 | 42 | 52 | | | | | | | | | | |
| *** DO NOT BREAK DOWN PALLETS-DO NOT DOUBLE STACK *** NOTE YELLOW TRANSPORTATION'S EINH CHANGED TO 34-0492670 EFF 10/01/02 | | | | | | | | | | | | | |
| TTL PCS 2 RECEIVED IN GOOD CONDITION AND SERVICE AUTHORIZED EXCEPT AS NOTED BY <div style="border: 1px solid black; width: 100px; height: 100px; margin: 0 auto;"></div> | G.O.D. AMT: 1500 | | TTL WEIGHT LBS 1500 | PPD/COLL 100 | TTL FREIGHT CHARGES \$521.42 | | | | | | | | |
| INSIDE DELIVERY <input type="checkbox"/> | LIFT GATE <input type="checkbox"/> | # PIECES SORT & SEG <input type="checkbox"/> | RESIDENTIAL DELIVERY <input type="checkbox"/> | CONSTRUCTION SITE DELV <input type="checkbox"/> | WAIT TIME START _____ END _____ AM/PM AM/PM | | | | | | | | |
| AUTHORIZED PHONE # () - - | | | | | | | | | | | | | |

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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JUL 06 2009

TAWANA C. MARSHALL, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

In re:

SUPERIOR AIR PARTS, INC.

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§
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Case No. 08-36705-BJH-11

Chapter 11

Debtor.

**ORDER AUTHORIZING ALLOWANCE AND PAYMENT OF GENESEE
STAMPING AND FABRICATING, INC.'S 11 U.S.C. § 503(b)(9)
ADMINISTRATIVE EXPENSE CLAIM**

Upon consideration of the Motion of Genesee Stamping and Fabricating, Inc. for Allowance and Payment of Administrative Expense Claim Under 11 U.S.C. § 503(b)(9) (the "Motion"), notice of the Motion having been duly given and deemed proper under the circumstances, and the Court finding good cause to grant the relief requested in the Motion, it is hereby **ORDERED**, that the Motion is Granted; and it is further

ORDERED that Boring Machine Corporation is granted an allowed administrative expense under 11 U.S.C. § 503(b)(9) in the amount of \$8,083.11 against the Chapter 11 bankruptcy estate of Debtor and Debtor is authorized and required to immediately pay such administrative expense.

